

By: Huffman

S.B. No. 1329

A BILL TO BE ENTITLED

1 AN ACT
2 relating to the operation and administration of and practice in
3 courts in the judicial branch of state government.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

5 ARTICLE 1. JURISDICTION OF ASSOCIATE JUDGES

6 SECTION 1.01. Section 101.034, Family Code, as effective
7 until September 1, 2018, is amended to read as follows:

8 Sec. 101.034. TITLE IV-D CASE. "Title IV-D case" means an
9 action in which services are provided by the Title IV-D agency under
10 Part D, Title IV, of the federal Social Security Act (42 U.S.C.
11 Section 651 et seq.), relating to the location of an absent parent,
12 determination of parentage, or establishment, modification, or
13 enforcement of a child support or medical support obligation,
14 including a suit for modification filed by the Title IV-D agency
15 under Section 231.101(d) and any other action relating to the
16 services that the Title IV-D agency is required or authorized to
17 provide under Section 231.101.

18 SECTION 1.02. Section 101.034, Family Code, as effective on
19 September 1, 2018, is amended to read as follows:

20 Sec. 101.034. TITLE IV-D CASE. "Title IV-D case" means an
21 action in which services are provided by the Title IV-D agency under
22 Part D, Title IV, of the federal Social Security Act (42 U.S.C.
23 Section 651 et seq.), relating to the location of an absent parent,
24 determination of parentage, or establishment, modification, or

1 enforcement of a child support, medical support, or dental support
2 obligation, including a suit for modification filed by the Title
3 IV-D agency under Section 231.101(d) and any other action relating
4 to the services that the Title IV-D agency is required or authorized
5 to provide under Section 231.101.

6 SECTION 1.03. (a) Sections 201.007(a) and (c), Family
7 Code, are amended to read as follows:

8 (a) Except as limited by an order of referral, an associate
9 judge may:

- 10 (1) conduct a hearing;
- 11 (2) hear evidence;
- 12 (3) compel production of relevant evidence;
- 13 (4) rule on the admissibility of evidence;
- 14 (5) issue a summons for:
 - 15 (A) the appearance of witnesses; and
 - 16 (B) the appearance of a parent who has failed to
- 17 appear before an agency authorized to conduct an investigation of
- 18 an allegation of abuse or neglect of a child after receiving proper
- 19 notice;
- 20 (6) examine a witness;
- 21 (7) swear a witness for a hearing;
- 22 (8) make findings of fact on evidence;
- 23 (9) formulate conclusions of law;
- 24 (10) recommend an order to be rendered in a case;
- 25 (11) regulate all proceedings in a hearing before the
- 26 associate judge;
- 27 (12) order the attachment of a witness or party who

1 fails to obey a subpoena;

2 (13) order the detention of a witness or party found
3 guilty of contempt, pending approval by the referring court as
4 provided by Section 201.013;

5 (14) without prejudice to the right to a de novo
6 hearing before the referring court [~~of appeal~~] under Section
7 201.015, render and sign:

8 (A) a final order agreed to in writing as to both
9 form and substance by all parties;

10 (B) a final default order;

11 (C) a temporary order; or

12 (D) a final order in a case in which a party files
13 an unrevoked waiver made in accordance with Rule 119, Texas Rules of
14 Civil Procedure, that waives notice to the party of the final
15 hearing or waives the party's appearance at the final hearing;

16 (15) take action as necessary and proper for the
17 efficient performance of the associate judge's duties; and

18 (16) render and sign a final order that includes a
19 waiver of the right to a de novo hearing before the referring court
20 under [~~of appeal pursuant to~~] Section 201.015.

21 (c) An order described by Subsection (a)(14) or (16) that is
22 rendered and signed by an associate judge constitutes an order of
23 the referring court.

24 (b) Section 201.013(b), Family Code, is amended to read as
25 follows:

26 (b) Except as provided by Section 201.007(c), if a request
27 for a de novo hearing before the referring court is not timely filed

1 ~~[or the right to a de novo hearing before the referring court is~~
2 ~~waived]~~, the proposed order or judgment of the associate judge
3 becomes the order or judgment of the referring court only on the
4 referring court's signing the proposed order or judgment.

5 (c) Section 201.014(a), Family Code, is amended to read as
6 follows:

7 (a) Except as otherwise provided in this subchapter, unless
8 ~~[Unless]~~ a party files a written request for a de novo hearing
9 before the referring court, the referring court may:

10 (1) adopt, modify, or reject the associate judge's
11 proposed order or judgment;

12 (2) hear further evidence; or

13 (3) recommit the matter to the associate judge for
14 further proceedings.

15 (d) Section 201.016(c), Family Code, is amended to read as
16 follows:

17 (c) The date an agreed order, ~~[or]~~ a default order, or a
18 final order that includes a waiver of the right to a de novo hearing
19 before the referring court under Section 201.015 is signed by an
20 associate judge is the controlling date for the purpose of an appeal
21 to, or a request for other relief relating to the order from, a
22 court of appeals or the supreme court.

23 (e) The changes in law made by this section apply to a final
24 order signed by an associate judge before, on, or after the
25 effective date of this Act.

26 SECTION 1.04. Section 201.204, Family Code, is amended by
27 adding Subsection (d) to read as follows:

1 Sec. 24.6006. 462ND JUDICIAL DISTRICT (DENTON COUNTY). The
2 462nd Judicial District is composed of Denton County.

3 (b) The 462nd Judicial District is created on January 1,
4 2019.

5 ARTICLE 3. STATUTORY COUNTY COURTS

6 SECTION 3.01. Section 25.0634, Government Code, is amended
7 by amending Subsection (b) and adding Subsection (c) to read as
8 follows:

9 (b) Except as provided by Subsection (c), a [A] county
10 criminal court has no jurisdiction over civil, civil appellate,
11 probate, or mental health matters.

12 (c) The County Criminal Court No. 4 of Denton County has
13 jurisdiction over mental health matters.

14 SECTION 3.02. (a) Section 25.0811, Government Code, is
15 amended to read as follows:

16 Sec. 25.0811. FORT BEND COUNTY. Fort Bend County has the
17 following statutory county courts:

18 (1) County Court at Law No. 1 of Fort Bend County;

19 (2) County Court at Law No. 2 of Fort Bend County;

20 (3) County Court at Law No. 3 of Fort Bend County;

21 (4) County Court at Law No. 4 of Fort Bend County;

22 [~~and~~]

23 (5) County Court at Law No. 5 of Fort Bend County; and

24 (6) County Court at Law No. 6 of Fort Bend County.

25 (b) The County Court at Law No. 6 of Fort Bend County is
26 created on the effective date of this Act.

27 SECTION 3.03 (a) Subchapter C, Chapter 25, Government

1 Code, is amended by adding Sections 25.0951 and 25.0952 to read as
2 follows:

3 Sec. 25.0951. GRIMES COUNTY. Grimes County has one
4 statutory county court, the County Court at Law of Grimes County.

5 Sec. 25.0952. GRIMES COUNTY COURT AT LAW PROVISIONS. (a)
6 In addition to the jurisdiction provided by Section 25.0003 and
7 other law, a county court at law in Grimes County has concurrent
8 jurisdiction with the district court in family law cases and
9 proceedings.

10 (b) The judge of the county court at law shall be paid an
11 annual salary set by the commissioners court in an amount that is at
12 least equal to the amount that is \$1,000 less than the total annual
13 salary, including contributions and supplements, received by a
14 district judge in the county. The salary shall be paid by the
15 county treasurer by order of the commissioners court.

16 (c) The judge of the county court at law is entitled to
17 travel expenses and necessary office expenses, including
18 administrative and clerical assistance, in the same manner as the
19 district judge.

20 (d) The judge of a county court at law may not engage in the
21 private practice of law.

22 (e) The district clerk serves as clerk of a county court at
23 law for family cases and proceedings, and the county clerk serves as
24 clerk for all other cases. The commissioners court may employ as
25 many deputy sheriffs and bailiffs as are necessary to serve the
26 court.

27 (f) If a case or proceeding in which a county court at law

1 has concurrent jurisdiction with a district court is tried before a
2 jury, the jury shall be composed of 12 members. In all other cases,
3 the jury shall be composed of six members.

4 (g) The judge of a county court at law may, instead of
5 appointing an official court reporter, contract for the services of
6 a court reporter under guidelines established by the commissioners
7 court.

8 (h) The laws governing the drawing, selection, service, and
9 pay of jurors for county courts apply to a county court at law.
10 Jurors regularly impaneled for a week by the district court may, on
11 a request of a judge of the county court at law, be made available
12 and shall serve for the week in a county court at law.

13 (i) A county court at law has the same terms of court as a
14 district court in Grimes County.

15 (b) The County Court at Law of Grimes County is created on
16 the effective date of this Act.

17 SECTION 3.04. (a) Section 25.1071, Government Code, is
18 amended to read as follows:

19 Sec. 25.1071. HAYS COUNTY. Hays County has the following
20 statutory county courts:

- 21 (1) the County Court at Law No. 1 of Hays County; ~~and~~
- 22 (2) the County Court at Law No. 2 of Hays County; and
- 23 (3) the County Court at Law No. 3 of Hays County.

24 (b) The County Court at Law No. 3 of Hays County is created
25 on October 1, 2018.

26 SECTION 3.05. (a) Section 25.1101(a), Government Code, is
27 amended to read as follows:

1 (a) Hidalgo County has the following statutory county
2 courts:

3 (1) County Court at Law No. 1 of Hidalgo County;

4 (2) County Court at Law No. 2 of Hidalgo County;

5 (3) County Court at Law No. 4 of Hidalgo County;

6 (4) County Court at Law No. 5 of Hidalgo County;

7 (5) County Court at Law No. 6 of Hidalgo County;

8 (6) County Court at Law No. 7 of Hidalgo County; ~~and~~

9 (7) County Court at Law No. 8 of Hidalgo County; and

10 (8) County Court at Law No. 9 of Hidalgo County.

11 (b) The County Court at Law No. 9 of Hidalgo County is
12 created on the effective date of this Act.

13 ARTICLE 4. JUDICIAL OATHS

14 SECTION 4.01. Chapter 602, Government Code, is amended by
15 adding Section 602.007 to read as follows:

16 Sec. 602.007. FILING OF OATH MADE BY CERTAIN JUDICIAL
17 OFFICERS AND JUDICIAL APPOINTEES. The oath made and signed
18 statement executed as required by Section 1, Article XVI, Texas
19 Constitution, by any of the following judicial officers and
20 judicial appointees shall be filed with the secretary of state:

21 (1) an officer appointed by the supreme court, the
22 court of criminal appeals, or the State Bar of Texas; and

23 (2) an associate judge appointed under Subchapter B or
24 C, Chapter 201, Family Code.

25 ARTICLE 5. EFFECTIVE DATE

26 SECTION 5.01. This Act takes effect September 1, 2017.